

BILL ANALYSIS

C.S.S.B. 316
By: Ogden
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, only some state agencies have significant authority, in statute, to address false statements made in applications and renewals of application with no single, consistent source of authority for agencies to rely on when addressing the problem of false statements made by applicants. During a recent Senate Finance Committee budget hearing, there was discussion about the problem of applicants lying on applications and how this can cause problems for state agencies. In particular, the Board of Nurse Examiners raised the issue of applicants failing to disclose required information about their criminal history.

This bill authorizes a licensing authority to deny a person's application for a license or suspend or revoke a person's license if the authority determines, after notice and hearing, that the person knowingly made a false statement in connection with applying for or renewing a license, made a material misrepresentation to the licensing authority in connection with applying for or renewing the license, refused to provide information requested by the licensing authority, or failed to provide all of the person's criminal history information in response to the licensing authority's request for the information.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill amends the Government Code by renaming the heading of Chapter 2005 to read, "MISCELLANEOUS PROVISIONS RELATING TO STATE LICENSES AND PERMITS," and defines "license" and "licensing authority."

The bill authorizes a licensing authority to deny a person's application for a license or suspend or revoke a person's license if the authority determines, after notice and hearing, that the person knowingly made a false statement in connection with applying for or renewing the license, made a material misrepresentation to the licensing authority in connection with applying for or renewing the license, refused to provide information requested by the licensing authority, or failed to provide all of the person's criminal history information in response to the licensing authority's request for the information. Furthermore, the bill establishes that such a denial, suspension, or revocation is governed by the same administrative procedures that apply to other disciplinary actions taken by the licensing authority.

The bill states that a person who knowingly makes a false statement in connection with applying for or renewing a license is subject to criminal prosecution under Section 37.10 of the Penal Code (Tampering With Governmental Record).

The bill makes the application of this Act prospective and makes conforming changes.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 316 80(R)

The original bill states, as part of its definition of License, to be that which a person must obtain to "engage in any other regulated activity, including hunting, fishing, or other recreational activity for which a license or permit is required." Whereas the substitute states, as part of its definition of License, to be that which a person must obtain to "engage in hunting, fishing, or other recreational activity for which a license or permit is required," and thus removing the phrase, "engage in any other regulated activity," found in the original bill.